



JFW

Docket No.: 245402004400
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Design Application of:
Hiromi MATSUMOTO et al.

Application No.: 10/049,297

Art Unit: 3764

Filed: February 11, 2002

Examiner: G. E. Richman

For: METHOD OF DETERMINING EXERCISE
INTENSITY AND APPARATUS EMPLOYING
THE SAME

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

Customer Window, MS Amendment
U.S. Patent and Trademark Office
220 20th Street S.
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

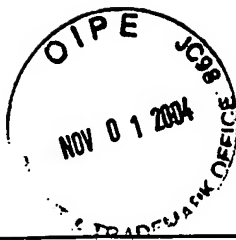
Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the non-final Office Action dated September 30, 2004, for which a response is due on October 30, 2004. Accordingly, this response is timely filed. Applicant elects to prosecute the claims of Group I, claims 1-16 and 23-36, *without traverse*. Due to their dependence on non-elected claims, claims 32-34 have been withdrawn from consideration, as well. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.



Application No. (if known): 10/049,297

Attorney Docket No.: 245402004400

Certificate of Hand Delivery

I hereby certify that this correspondence is being hand delivered to the United States Patent and Trademark Office at the address shown below:

Customer Window, MS Amendment
U.S. Patent and Trademark Office
220 20th Street S.
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

on November 1, 2004
Date


Signature

Beth Mandel

Typed or printed name of person signing Certificate

Note: The following papers are submitted:

Transmittal (1 page)

Amendment in Response to Non-Final Office Action (8 pages)



PTO/SB/21 (04-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/049,297
	Filing Date	February 11, 2002
	First Named Inventor	Hiromi MATSUMOTO
	Art Unit	3764
	Examiner Name	G. E. Richman
Total Number of Pages in This Submission	Attorney Docket Number	245402004400

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Wayne C. Jaeschke, Jr. - 38,503
Signature	
Date	November 1, 2004